IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6981 OF 2007

Gajananrao Govindrao Hargude
and Ors. ...Petitioners

Versus

Sarvoday Shikshan Mandal, Sangli
and ors. ....Respondents

Sandesh D.Patil for the petitioners.
Umesh Mankapure, for respondent nos.1, 3 and 5.
Sandesh Deshpande i/by.Sunil Jadhav for respondent nos.14 to 21.

CORAM: S.C.DHARMADHIKARI, J.

11th December, 2007.

P.C. :

1. The order under challenge is based on an Application (Exhibit-5) in Appeal No.47 of 2007.

2. This Appeal is directed against an order dated

12.7.2007 of the Assistant Charity Commissioner, Sangli in Change Report No.266 of 2006.

3. The original appellants who are respondents before me applied for stay of the order of the Assistant Charity Commissioner and the said order has been stayed. Aggrieved thereby, the present petitioners are before this court. They are claiming to be the persons who have objected to the change and thus are the original opponents in the Change Report proceedings.

4. They are aggrieved by the fact that the Change Report having been Invalidated and rejected, the persons who are claiming to be trustees should not be permitted to manage and administer the affairs of the trust in question. They submit that if they are allowed to so manage, then, it would amount to allowing the Appeal finally at the interim stage.

5. My attention is also invited to some proceedings which are initiated against some of the respondents to this petition under Section 38 and 39 of the Bombay Public Trust Act, 1950 and an order made in

that behalf on 12.7.2007 by the Assistant Charity Commissioner.

6. My attention is also invited to a communication from the Chief Executive Officer, Zilla Parishad, Sangli copy of which is annexed as Annexure-F

7. In my view, instead of interfering with the impugned order which is inter-locutory and making any observations which are likely to prejudice the case of both sides in pending proceedings, interest of justice would be subserved if it is directed that the Respondent nos.2 to 13 who are claiming to be the trustees shall carry on day to day and routine affairs. They should not take any policy decisions. Further, in matters of disbursement of salary and expenditure so also other financial affairs, the said persons should take any decision or action only after taking prior approval of the Chief Executive Officer, Zilla Parishad, Sangli. This arrangement will continue without prejudice to the rights and contentions of parties in the pending appeal.

8. Appeal No.47 of 2007 which is pending before the Joint Charity Commissioner, Kolhapur Region, Kolhapur shall be heard and disposed off as expeditiously as possible, and in any event, by 31.3.2008. All contentions on merits of both sides are expressly kept open. Petition disposed off. No costs.

sd/-

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